IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.19785 of 2007

Dated: September 18, 2007

Between:

Mallipudi Nalla Abbulu, S/o. Manga Raju,
Aged 35 years, Occ: Cultivation, R/o. Indukurupeta
Village, Devipatnam Mandal, East Godavari District.

… Petitioner

And

The Additional Agent to the Government,
Rampachodavaram, East Godavari District,
And others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in evicting the petitioner from the land admeasuring 2.65.5 Hectares in R.S.No.182 of Lothupalem Village, Devipatnam Mandal, East Godavri district, pursuant the order dated 04-09-2007, passed by the second respondent in LTRP No.4/2007 in exercise of powers under A.P. Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70, pending disposal of

the appeal filed by him against the said order as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare appearing on behalf of the respondents.

3. The Special Deputy Collector, Tribal Welfare, Rampachodavaram, the second respondent herein, passed orders in L.T.R.P.No.4/2007 dated 04-09-2007 evicting the petitioner from the aforesaid land. In the said order, he has ordered eviction of the petitioner and restored the land to eligible tribal. It is stated that as against the said order, petitioner has preferred an appeal before the first respondent, Additional Agent to Government, Rampachodavaram along with an application for stay. It is the case of the petitioner that on one hand, the appellate authority has neither taken up the appeal nor the stay application for consideration, and on the other, steps are being taken to evict him from the aforesaid land.

4. As much as the appeal filed by the petitioner is pending before the first respondent/appellate authority, it is not desirable to record any finding on the merits of the case. As the petitioner has already preferred an appeal before the first respondent-appellate authority against the order dated 04-09-2007, the first respondent/appellate authority shall consider the same and pass appropriate orders as expeditiously as possible. Till such time, status quo with regard to possession of the land in question shall be maintained.

5. The writ petition is accordingly disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 18, 2007
MRR